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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,546	11/27/2001	Masahiro Ozaki	AND-015-USAP	8416

7590

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Ronald R. Snider  
Snider & Associates  
P.O. Box 27613  
Washington, DC 20038-7613

EXAMINER

DICUS, TAMRA

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/993,546

Applicant(s)

OZAKI, MASAHIRO

Examiner

Tamra L. Dicus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "short" in claims 1 and 2 is a relative term which renders the claim indefinite. The term "short" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

4. Claim 1 recites the limitations "hair transplanted sheet", and "parting agent". It is unclear as to what a "hair transplanted sheet" and a "parting agent" is and the specification is absent from explanation. Hence for purposes of examination, the Examiner will take "hair transplanted sheet" to mean a paper or nonwoven fibrous sheet, and "parting agent" to mean an acrylic solvent.

5. Claim 1 contains "is provisionally bonded ", but as written, the specification does not teach how a parting agent is provisionally bonded, and hence is unclear.

- 6.

*Claim Objections*

7. Claim 2 is objected to because of the following informalities: "urethan" is missing an "e". Appropriate correction is required.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,017,636 to Tada et al. in view of USPN 5,981,077 to Taniguchi.

Tada teaches a transfer system comprising a base sheet of paper or plastic film (1) containing a releasing agent on at least one side of the base (equivalent to a parting agent), a resin/binder layer of acrylic acid ester copolymer (regarding claim 1) or acrylic urethane resin (regarding claim 2) on the surface opposite to the surface having the release layer to prevent the paper from curling at col. 5, lines 40-50. Further at col. 5, lines 33-40, Tada also lists suitable parting agents such as an acrylic emulsion, a silicone defoamer, and anti-static agents. Tada further teaches a toner image layer (6) on the base sheet (1), where a lower layer (4) is of a solvent-type urethane resin and polyester resin at col. 6, lines 20-60.

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Tada does not teach a short fiber layer on a base sheet, however, the Examiner takes the position that the base sheet inherently contains a short fiber layer, since Tada teaches paper which inherently contain fibers. Taniguchi also teaches an image transfer sheet having a toner image layer where the base may be made from paper, synthetic paper, cloth, nonwoven fabric, all of which contain short fibers. See col. 6, lines 61-65. Hence, it would have been obvious to one of ordinary skill in the art to modify the transfer sheet of Tada to include a base sheet of paper (natural or synthetic), nonwovens, and the like, since all contain fibers and are functional equivalents to a base sheet comprising a short fiber layer.

Although Tada teaches an adhesive tape applied to a glass prior to transferring a transfer sheet, Tada does not teach a hot-melt adhesive layer on the binder layer. Taniguchi teaches an adhesive coating applied to binder layer that has a low melting point (which is synonymous to a hot-melt adhesive) at col. 1, lines 35-45. Furthermore, Taniguchi teaches it is known to apply coatings via hot melt processes at col. 7, lines 10-15. Therefore, it would have been obvious to one of ordinary skill in the art to modify the transfer sheet of Tada to include an hot-melt adhesive layer since Taniguchi teaches it is known to apply low-melt /hot-melt adhesive to on toner images for transferring purposes at col. 1, lines 42-45.

In regards to the electrophoto copying machine of claims 3 and 4, it is immaterial to patentability what type of machine is used.

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*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,215,852 to Kato et al. teaches an image forming method where Kato teaches an adhesive layer being formed onto a toner image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is (703) 305-3809. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8329 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Tamra L. Dicus  
Examiner  
Art Unit 1774

January 23, 2003

